



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Brigitte BATHE, et al.

Serial No. : 09/942,936

Filed: August 31, 2001

For : NUCLEOTIDE SEQUENCES WHICH CODE FOR
THE sigH GENE

Examiner: C. FRONDA

Group Art Unit: 1652

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RESPONSE TO WRITTEN RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

A response to the Office Action dated February 7, 2002 was due on March 7, 2002.

A Petition for Extension of Time (one month, large entity) is enclosed, extending the date to April 8, 2002 (April 7, 2002 being a Sunday). Therefore, please accept this response as timely filed.

As an initial matter, Applicants note this application is part of a series of applications associated with the Bulk Filing Petition now of record in U.S. Patent Application No.

09/954,197. Applicants note from U.S. PTO papers recently received that these applications appear to be predominantly channeled to the enzyme technology art unit, Art Unit 1646.

Applicants merely bring this to the Examiner's attention as a significant number of IDS documents are prospectively to be made of record in the Bulk Filing Petition filed in U.S. Serial No. 09/954,197. As a matter of administrative efficiency, Applicants respectfully note that the Examiner may want to consider consolidating this application with those in Art Unit 1646 for examination on the merits.

In response to the Restriction Requirement, as set forth in the Office Action dated February 7, 2002, Applicants hereby elect the following group:

Group II, claim 10.

Applicants respectfully request that all of the claims, and particularly the claims of Group I, be re-joined and examined with the claims of Group II. A search for the claims in the remaining Groups would not be substantially burdensome after a search for the claims in Group II as all the claims involve the sequence information associated with the *zwa1* gene.

A search for the subject matter in Group II is inextricably intertwined with the subject matter in the claims of the other Groups. Any search for the claims in Group II will necessarily yield the relevant art for consideration and examination of the claims in the other Groups. Hence an extension of the search required for Group II to all the remaining claims. See MPEP 804.

Accordingly, the basis for Restriction is not adequately established; a search for all the claims is not burdensome; and maintaining this Restriction Requirement will impose undue expense on Applicants in prosecuting multiple applications, otherwise examinable together according to U.S. PTO Patent Examining Procedure. In addition, maintaining this Restriction Requirement may result in undue delay in issue of some claims in this Application, resulting in a significant loss in Patent Term to Applicants.

Reconsideration and Rejoinder of all the claims is respectfully requested prior to examination on the merits. This Election is made with traverse, and solely for compliance under 37 CFR 1.143 in order to preserve pendency in this application.

If any additional fees are due in connection with the filing of this Response, such as fees under 37 C.F.R. §§ 1.16 or 1.17, the Commissioner is authorized to charge SGR Deposit

Account No. 02-4300; Order No. 032301.205. Similarly, please credit any overpayment SGR
Deposit Account No. 02-4300; Order No. 032301.205.

Respectfully submitted,

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